

Docket No. AB-209U

Remarks

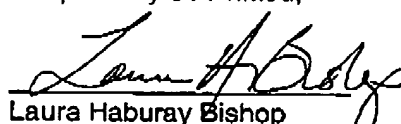
The Examiner advised applicant that, for the reply to the subject restriction requirement to be complete, applicant must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Thus, applicant has elected claims 1-18, with traverse.

Applicant does not traverse the restriction of claims 1-20 (drawn to an implantable microminiature infusion pump) from claims 21-22 (drawn to a method of delivery). Of these, applicant elects group 1: claims 1-20.

Applicant does traverse the requirement to elect a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. It is alleged that, currently, no claims are generic. Applicant respectfully submits that independent claims 1 and 19 are generic claims that describe the species of all the figures listed in the Action. For instance, each species listed includes a reservoir, a driver, a control circuit, and a data receiving circuit, as required by claim 1.

Thus, applicant does not traverse on the ground that the species are not patentably distinct, but that original independent claims 1 and 19 are generic. Applicant has elected claims 1-18 to meet the requirements of 37 CFR 1.143, as directed by the Examiner.

Respectfully Submitted,

July 07, 2003
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Reply to Office action of June 13, 2003

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